

Senate File 429 - Introduced

SENATE FILE 429

BY COURNOYER

A BILL FOR

1 An Act relating to flavored vapor products, providing for
2 permit suspension and revocation, and providing civil
3 penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 453A.1, Code 2023, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 3A. *“Characterizing flavor”* means a
4 distinguishable flavor, taste, or aroma including but not
5 limited to any fruit, chocolate, vanilla, honey, candy, cocoa,
6 dessert, alcoholic beverage, herb, mint, wintergreen, menthol,
7 or spice flavoring, that in any manner is a component or
8 byproduct of, is produced by, or emanates from a vapor product.
9 A vapor product shall be deemed to have a characterizing flavor
10 if the vapor product is advertised or marketed as having or
11 producing in any manner any such distinguishable flavor, taste,
12 or aroma.

13 NEW SUBSECTION. 15A. *“Flavored vapor product”* means a
14 vapor product, in whatever form including but not limited to
15 cartridge-based, refillable, or disposable, and including any
16 cartridge, container of a solution or other substance, or other
17 component part or accessory of a vapor product such as a vapor
18 product flavor enhancer, whether or not integral to or separate
19 from the vapor product, that has or produces a characterizing
20 flavor.

21 NEW SUBSECTION. 29A. *“Vapor product flavor enhancer”*
22 means a product designed, manufactured, fabricated, produced,
23 marketed, or sold to produce a characterizing flavor when used
24 with a vapor product.

25 Sec. 2. NEW SECTION. 453A.5A **Flavored vapor products**
26 **prohibited — permit actions — civil penalties.**

27 1. A person including a manufacturer, distributor,
28 distributing agent, subjobber, wholesaler, cigarette vendor, or
29 retailer, as defined in sections 453A.1 and 453A.42; a common
30 carrier; or an employee or agent thereof, shall not fabricate
31 or manufacture in this state; ship, import, transport, or
32 otherwise bring into this state; or possess, transport, store,
33 distribute, sell, offer for sale, give, or otherwise supply
34 including through a delivery sale in this state, flavored vapor
35 products.

1 2. Compliance with this section is a condition of holding
2 any permit under subchapter I or subchapter II of this chapter.
3 A permit holder who violates this section is subject to permit
4 suspension and revocation provisions otherwise applicable under
5 subchapter I or subchapter II of this chapter.

6 3. A person who violates this section is subject to the
7 following civil penalties:

8 a. A two hundred dollar penalty for the first violation.

9 b. A five hundred dollar penalty for a second violation
10 within three years of the first violation.

11 c. A one thousand dollar penalty for a third or subsequent
12 violation within three years of the first violation.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill prohibits a person including a manufacturer,
17 distributor, distributing agent, subjobber, wholesaler,
18 cigarette vendor, or retailer; a common carrier; or an
19 employee or agent thereof, from fabricating or manufacturing
20 in this state; shipping, importing, transporting, or otherwise
21 bringing into this state; or possessing, transporting, storing,
22 distributing, selling, offering for sale, giving, or otherwise
23 supplying including through delivery sales in this state,
24 flavored vapor products. Flavored vapor product is defined in
25 the bill.

26 Compliance with the bill is a condition of holding any
27 permit under Code chapter 453A (cigarette and tobacco taxes
28 and regulation of alternative nicotine products and vapor
29 products). A permit holder who violates the bill is subject
30 to permit suspension and revocation provisions under the Code
31 chapter. The bill also provides that a person who violates
32 the bill is subject to civil penalties ranging from \$200 for a
33 first violation, \$500 for a second violation within three years
34 of the first violation, and \$1,000 for a third or subsequent
35 violation within three years of the first violation.